

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ISIDRO MENDOZA,

Plaintiff,

vs.

NEWMONT GOLD CORPORATION,

Defendant.

3:05-CV-667-LRH (VPC)

**ORDER SCHEDULING
EARLY NEUTRAL EVALUATION
SESSION**

Pursuant to the current Court-Based Early Neutral Evaluation Program in the District of Nevada as outlined in Special Order No. 102, a copy of which was previously provided to counsel, an Early Neutral Evaluation Session is hereby scheduled to commence on **Wednesday, February 8, 2006, at 1:30 p.m.**, before the undersigned United States Magistrate Judge, Courtroom Two, Bruce R. Thompson Courthouse and Federal Building, 400 South Virginia Street, Reno, Nevada.

All counsel of record that will be participating in the trial of this case, all parties appearing *pro se*, if any, and all individual parties must be present.

In the case of non-individual parties, counsel shall arrange for a representative, with binding authority to settle this matter up to the full amount of the claim, to be present in court for the duration of the ENE session.

If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier, with authority to settle this matter up to the full amount of the claim, must also be present in court for the duration of the ENE session.

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Any exceptions to the above attendance requirements must be submitted to this court for approval at least one week in advance of the ENE session.

PREPARATION FOR EARLY NEUTRAL EVALUATION SESSION

In preparation for the ENE session, the attorneys for each party shall submit a confidential written evaluation statement for the court's in camera review. The ENE statement shall be concise and shall:

- A. Identify, by name or status, the person(s) with decision-making authority, who, in addition to counsel, will attend the ENE session as representatives(s) of the party;
- B. Describe briefly the substance of the suit, addressing the party's views on the key liability issues and damages;
- C. Describe the principal evidence upon which your party's claims or defenses are based. State the statutory or other authority upon which you base your claims;
- D. An estimate of the cost (including attorney's fees and costs) of taking this case through trial;
- E. Address whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute or contribute to settlement negotiations;
- F. Describe the history and status of settlement negotiations; and
- G. Include copies of documents, pictures, recordings, etc., out of which the suit arose, or whose availability would material advance the purposes of the evaluation session, (e.g., medical reports, documents by which special damages might be determined.)

The written evaluation statements shall be received in my chambers, Suite 405, not later than 4:00 P.M. on MONDAY, FEBRUARY 6, 2006. DO NOT DELIVER OR MAIL THEM TO THE CLERK'S OFFICE. **DO NOT SERVE A COPY ON OPPOSING COUNSEL.** The ENE written evaluation statement should be in an envelope clearly marked "Confidential, contains ENE evaluation statement".

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1 The purpose of the ENE statement is to assist the court in preparing for and conducting the
2 ENE session. In order to facilitate a meaningful conference, your utmost candor in responding to the
3 above-listed questions is required. The ENE statement will not be seen by the District Judge or
4 Magistrate Judge assigned to this case. The confidentiality of each statement will be strictly maintained
5 unless a party gives the court permission to reveal some or all of the information contained within the
6 statement. Following the ENE session, the statements will be destroyed. If numerous documents are
7 submitted to the court for review, the party submitting the documents may request their return
8 provided that such a request is made within three days following the ENE session. If no such request
9 is timely received by the court, the documents will be destroyed.

10 DATED: January 17, 2006.



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13 ROBERT A. McQUAID, JR.
UNITED STATES MAGISTRATE JUDGE
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